



County of Los Angeles CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

Board of Supervisors
GLORIA MOLINA
First District

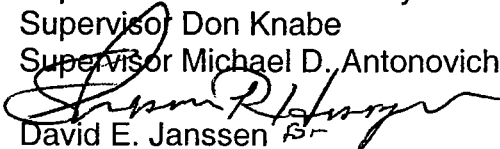
YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

November 4, 2005

To: Supervisor Gloria Molina, Chair
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich
From: 
David E. Janssen
Chief Administrative Officer

WASHINGTON, D.C. UPDATE

House Passes Eminent Domain Legislation

On November 3, 2005, the House of Representatives voted 376 to 38 to approve H.R. 4128 (Sensenbrenner, R-WI), the Private Property Rights Protection Act of 2005, which would prohibit the use of eminent domain to condemn private property for private economic development. The bill was introduced in response to the Supreme Court decision in *Kelo vs. New London*, which upheld the City of New London's (CT) use of eminent domain for economic development as a valid public use. H.R. 4128 would allow the use of eminent domain for general public uses (i.e. transportation purposes, energy-related infrastructure, or utility-related right of way) or to remove an immediate threat to public health and safety. The measure proceeds to the Senate.

According to the Community Development Commission (CDC), H.R. 4128 has a significant potential to limit their ability to recommend the use of eminent domain for slum and blight conditions unless 'an immediate threat to public safety' could be demonstrated. CDC indicates H.R. 4128 would impact future phases of redevelopment efforts on Lincoln Avenue in West Altadena, and greatly reduce the effectiveness of the proposed Whiteside Redevelopment Project Area.

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In the Senate, a companion bill to H.R. 4128 was introduced by Senator Cornyn (R-TX) as S. 1313, and was referred to the Committee on the Judiciary, which conducted a hearing on September 20, 2005. No further hearings on the bill are expected in 2005. However, in October 2005, an amendment by Senator Bond (R-MO) was included in the FFY 2006 Transportation, Treasury, and HUD Appropriations Act to restrict the use of funding in the bill for eminent domain activities that primarily benefit private economic development activities. Unlike H.R. 4128, the Bond provision would expand the instances where eminent domain is permitted to include blight. It is expected that a House-Senate conference committee will be appointed on the FFY 2006 Transportation, Treasury, and HUD Appropriations bill within the next two weeks. Conferees will determine if the Bond language should be included in the final version of the measure.

We will continue to keep you advised.

DEJ:GK
MAL:JF:kg

c: Executive Officer, Board of Supervisors
County Counsel
All Department Heads
Legislative Strategist